



Application No.: 10/533,749
Inventor: Lawrence A. Lynn
Date: October 1, 2007

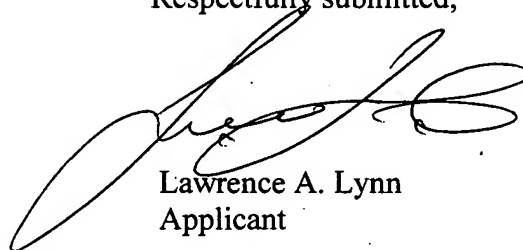
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Response to Non-Compliance Letter

This letter is in response to the Notice of Non-Compliant Amendment (37 CFR 1.121) mailed 09/20/2007 stating that the amendment to application number 10/533,749 dated 09/05/2007 was unsigned or not signed in accordance with 37 CFR 1.4 (copy enclosed).

A replacement sheet with the proper signature, page 36 has been included.

Respectfully submitted,



Lawrence A. Lynn
Applicant

The Sleep and Breathing Research Institute
1275 Olentangy River Road
Suite 10
Columbus, Ohio 43212
614-297-7704

Appl. No. 10/533,749
Amdt. Dated 9/5/2007
Reply to Office Action of 3/8/2007

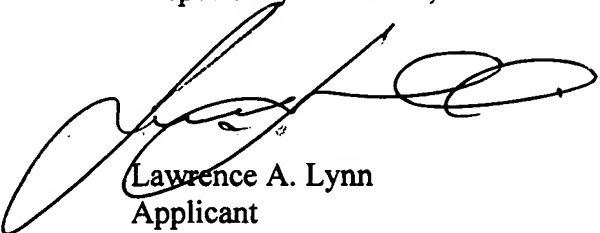


Attachments: Replacement Sheets

Annotated Sheets Showing Changes

It is respectfully submitted that this application is now in condition for allowance. Should the Examiner believe that anything further is desirable in order to place the application in even better form for allowance, he is respectfully urged to telephone the applicant at the below-listed number.

Respectfully submitted,



Lawrence A. Lynn
Applicant

THE SLEEP AND BREATHING RESEARCH INSTITUTE
1275 Olentangy River Road
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614 -297-7704

Date: September 5, 2007



UNITED STATES PATENT AND TRADEMARK OFFICE

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c 09/20/2007

Sleep and Breathing Research Institute
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Paper No.

Application No.: 10/533,749

Date Mailed: 09/20/2007



First Named Inventor: Lynn, Lawrence, Allan

Examiner: MEHTA, BHISMA

Attorney Docket No.:

Art Unit: 3767

Confirmation No.: 7983

Filing Date: 05/10/2005

Please find attached an Office communication concerning this application or proceeding.

Commissioner for Patents

Notice of Non-Compliant Amendment
(37 CFR 1.121)

Application No.
10/533,749

Applicant(s)
LYNN, LAWRENCE ALLAN

Art Unit
3767

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

The amendment document filed on _____ is considered non-compliant because it has failed to meet the requirements of 37 CFR 1.121 or 1.4. In order for the amendment document to be compliant, correction of the following item(s) is required.

THE FOLLOWING MARKED (X) ITEM(S) CAUSE THE AMENDMENT DOCUMENT TO BE NON-COMPLIANT:

- ☐ 1. Amendments to the specification:
- ☐ A. Amended paragraph(s) do not include markings.
 - ☐ B. New paragraph(s) should not be underlined.
 - ☐ C. Other
- ☐ 2. Abstract:
- ☐ A. Not presented on a separate sheet. 37 CFR 1.72.
 - ☐ B. Other
- ☐ 3. Amendments to the drawings:
- ☐ A. The drawings are not properly identified in the top margin as "Replacement Sheet," "New Sheet," or "Annotated Sheet" as required by 37 CFR 1.121(d).
 - ☐ B. The practice of submitting proposed drawing correction has been eliminated. Replacement drawings showing amended figures, without markings, in compliance with 37 CFR 1.84 are required.
 - ☐ C. Other
- ☐ 4. Amendments to the claims:
- ☐ A. A complete listing of all of the claims is not present.
 - ☐ B. The listing of claims does not include the text of all pending claims (including withdrawn claims)
 - ☐ C. Each claim has not been provided with the proper status identifier, and as such, the individual status of each claim cannot be identified. Note: the status of every claim must be indicated after its claim number by using one of the following status identifiers: (Original), (Currently amended), (Canceled), (Previously presented), (New), (Not entered), (Withdrawn) and (Withdrawn-currently amended).
 - ☐ D. The claims of this amendment paper have not been presented in ascending numerical order.
 - ☐ E. Other:
- ☒ 5. Other (e.g., the amendment is unsigned or not signed in accordance with 37 CFR 1.4): For further explanation of the amendment format required by 37 CFR 1.121, see MPEP § 714.

TIME PERIODS FOR FILING A REPLY TO THIS NOTICE:

1. Applicant is given **no new time period** if the non-compliant amendment is an after-final amendment or an amendment filed after allowance, or a drawing submission (only) If applicant wishes to resubmit the non-compliant after-final amendment with corrections, the **entire corrected amendment** must be resubmitted.
2. Applicant is given **one month**, or thirty (30) days, whichever is longer, from the mail date of this notice to supply the correction, if the non-compliant amendment is one of the following: a preliminary amendment, a non-final amendment (including a submission for a request for continued examination (RCE) under 37 CFR 1.114), a supplemental amendment filed within a suspension period under 37 CFR 1.103(a) or (c), and an amendment filed in response to a Quayle action. If any of above boxes 1 to 4 are checked, the correction required is only the corrected section of the non-compliant amendment in compliance with 37 CFR 1.121.

Extensions of time are available under 37 CFR 1.136(a) only if the non-compliant amendment is a non-final amendment or an amendment filed in response to a Quayle action.

Failure to timely respond to this notice will result in:

Abandonment of the application if the non-compliant amendment is a non-final amendment or an amendment filed in response to a Quayle action; or

Non-entry of the amendment if the non-compliant amendment is a preliminary amendment or supplemental amendment.

Legal Instruments Examiner (LIE), if applicable Rozenia Harmon

Telephone No: 571-27-20529